

# Report to Cabinet Member for Environment and Waste

Item No.

<b>Report title:</b>	<b>Norfolk Minerals and Waste Local Plan Review - Preferred Options Consultation</b>
<b>Date of meeting:</b>	<b>N/A</b>
<b>Responsible Cabinet Member:</b>	<b>Cllr Andy Grant</b>
<b>Responsible Director:</b>	<b>Tom McCabe – Executive Director of Community and Environmental Services</b>
<b>Is this a key decision?</b>	<b>No</b>

## **Executive Summary**

Norfolk County Council, as Minerals and Waste Planning Authority, has a statutory duty to produce and maintain an up-to-date Minerals and Waste Local Plan which forms the basis for determining any relevant planning applications that are lodged with the authority. The provision of a steady and adequate supply of minerals and the management of waste constitute essential infrastructure to support the economic development of the county.

A review of the current Norfolk Minerals and Waste Plan is being carried out to ensure that the policies within them remain up to date, to extend the Plan period from 2026 to 2036 and to consolidate them into one Norfolk Minerals and Waste Local Plan (M&WLP). This process is the Minerals and Waste Local Plan Review which will include two public consultation stages and a formal representations period prior to the submission of the M&WLP to the Secretary of State for examination.

The first public consultation stage, called the 'Initial Consultation' took place in summer 2018. The responses received have been considered in the production of the second public consultation document, the 'Preferred Options'.

A report was taken to Cabinet on 5 August 2019 with the recommendation to publish the Preferred Options document for a six-week public consultation. This recommendation was approved by Cabinet. The draft document is available at: [Norfolk Minerals and Waste Local Plan Review](#). Since the Cabinet meeting, some minor corrections and non-material changes to the Preferred Options document have been identified and are detailed in Appendix 1 to this report. This report recommends that the corrections and changes in Appendix 1 are made to the Preferred Options consultation document prior to publication, in accordance with one of the agreed recommendations from the Cabinet meeting of 5 August 2019.

## **Recommendations**

**To agree to the minor corrections and non-material changes to the Preferred Options consultation document that are detailed in Appendix 1 to this report.**

## **1. Background and Purpose**

- 1.1. The background to the Preferred Options consultation stage of the Minerals and Waste Local Plan Review was detailed in the report to Cabinet on 5 August 2019. The recommendation to publish the Preferred Options document for a six-week public consultation was approved at the Cabinet meeting. The draft

document is available at: [Norfolk Minerals and Waste Local Plan Review](#).

- 1.2. At their 5 August 2019 meeting, Cabinet also approved the recommendation to delegate responsibility to the Cabinet Member for Environment and Waste (in consultation with the Executive Director of CES) to make minor corrections and non-material changes to the consultation document that are identified prior to publication, if required.

## **2. Proposals**

- 2.1. Since the Cabinet meeting on 5 August 2019, some minor corrections and non-material changes to the Preferred Options document have been identified and are detailed in Appendix 1 to this report. It is recommended that the corrections and changes in Appendix 1 are made to the Preferred Options consultation document prior to publication, in accordance with one of the agreed recommendations from the Cabinet meeting.

## **3. Impact of the Proposal**

- 3.1. Making the proposed minor corrections and non-material changes to the Preferred Options consultation document (detailed in Appendix 1 to this report) will enable the Preferred Options document to be factually correct and will include an additional reason why site MIN 23 at Beeston is unsuitable for allocation, in accordance with the consultation response made by the Highway Authority.

## **4. Evidence and Reasons for Decision**

- 4.1. All the proposed changes are supported by one or more of the following: National Planning Policy, written submissions from statutory consultees or Norfolk County Council's spatial data.

## **5. Alternative Options**

- 5.1. None

## **6. Financial Implications**

- 6.1. None. The financial implications of the Minerals and Waste Local Plan Review were included in the Cabinet report of 5 August 2019 and will not be affected by the minor corrections and non-material changes proposed to be made to the Preferred Options Consultation document.

## **7. Resource Implications**

- 7.1. **Staff:**

N/A

- 7.2. **Property:**

N/A

- 7.3. **IT:**

N/A

## **8. Other Implications**

- 8.1. **Legal Implications:**

The Minerals and Waste Local Plan Review process must be carried out in accordance with the 2004 Act and other relevant planning legislation. The legal compliance of the Plan will form part of the examination carried out by an Independent Planning Inspector in 2021.

- 8.2. **Human Rights implications**

The human rights of the local residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. When adopted, the policies within the Minerals and Waste Local Plan will be used in the determination of planning applications for minerals extraction and associated development and for waste management

facilities. A grant of planning permission may infringe those human rights, but they are qualified rights, that is that they can be balanced against the interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by planning conditions.

8.3. The human rights of the owners of the proposed allocation sites may be engaged under the First Protocol Article 1, that is the right to make use of their land. However, the right is a qualified right and may be balanced against the need to protect the environment and the amenity of local residents.

8.4. However, it is not considered that the human rights of local residents or the owners of the proposed allocation sites would be infringed by the minor corrections and non-material changes proposed to be made to the Preferred Options Consultation document.

8.5. **Equality Impact Assessment (EqIA) (this must be included)**

The Council's planning functions are subject to Equality Impact Assessments. The Preferred Options version of the M&WLP is a consultation document and the consultation will be carried out in accordance with the adopted Statement of Community Involvement, therefore no EqIA issues have been identified at this stage. The Pre-Submission version of the M&WLP, which will contain the planning policies and mineral extraction sites/areas for allocation, will be subject to a full EqIA which will be published at that stage. Any sites allocated in the M&WLP will also need to apply for and be granted planning permission before they are able to operate and an EqIA will be carried out at the planning application stage.

8.6. **Health and Safety implications** (where appropriate)

None

8.7. **Sustainability implications** (where appropriate)

The environmental implications of the M&WLPR are formally assessed as part of the review process, through the Sustainability Appraisal (which includes a Strategic Environmental Assessment) and a Habitats Regulations Assessment. Both of these assessments must be carried out in accordance with the relevant legislation and include formal consultation stages. A Draft Sustainability Appraisal Report and a Draft Habitats Regulations Assessment (Task 1) have been produced to accompany the Preferred Options Consultation [available at: [Norfolk Minerals and Waste Local Plan Review](#)]. The Draft Sustainability Appraisal Report and the Draft Habitats Regulations Assessment will not be affected by the minor corrections and non-material changes proposed to be made to the Preferred Options Consultation document.

8.8. **Any other implications**

None

## 9. **Risk Implications/Assessment**

9.1. There are some factual errors in the draft Preferred Options consultation document that was approved by Cabinet on 5 August 2019. Therefore, this report requests approval to make the minor corrections and non-material changes to the Preferred Options document that are detailed in Appendix 1. The level of risk associated with consulting on the agreed version of the Preferred Options document without the corrections is low, but it would be preferable to make the changes listed in Appendix 1. Cabinet agreed to delegate responsibility to the Cabinet Member for Environment and Waste (in consultation with the Executive Director CES) to make minor corrections and non-material changes to the consultation document that are identified prior to publication, if required and therefore the risk associated with making these proposed changes is low as they are in accordance with the Cabinet recommendation.

## 10. **Select Committee comments**

10.1. N/A

## **11. Recommendation**

- 11.1. **To agree to the minor corrections and non-material changes to the Preferred Options consultation document that are detailed in Appendix 1 to this report.**

## **12. Background Papers**

- 12.1. Report considered by the Infrastructure and Development Select Committee meeting on 17 July 2019  
Report considered by the Cabinet meeting on 5 August 2019  
Norfolk Minerals and Waste Local Plan Review (draft Preferred Options Consultation) (2019)
- Norfolk Minerals and Waste Local Plan Review (Initial Consultation) (2018)
  - Norfolk Minerals and Waste Local Plan Review (Draft Sustainability Appraisal Report) (2019)
  - Norfolk Minerals and Waste Local Plan Review – Draft Habitats Regulations Assessment (Task 1) (2019)
  - Waste Management Capacity Assessment 2017 (2019)
  - (available at Norfolk Minerals and Waste Local Plan Review webpage: [Norfolk Minerals and Waste Local Plan Review](#))

## **Officer Contact**

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